IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.08.2006

CORAM

THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

W.P.No.29288/2006 & M.P.1/2006

R.Mathina .. Petitioner

Vs

1.The Government of Tamilnadu rep.by its
Secretary to Government,
Social Welfare and Nutrition Meals Scheme Dept.,
Fort St.George, Chennai 600009.

2.The Commissioner/Director of Social Welfare,
Directorate of Social Welfare,
Chepauk, Chennai 600005.

3.The District Social Welfare Officer,
Vellore District, Vellore. .. Respondents

Petition filed under Article 226 of the Constitution of Indi praying for a writ of certiorari calling for the records pertaining t the order bearing Se.Mu.Na.Ka.No.15801/Nir 5(3)/2001 dated 6.12.2005 o the first respondent herein and quash the same with consequentia benefits.

For Petitioner : Mr.V.Suthakar
For Respondents: Mr.A.Edwin Prabhakar, GA

ORDER

The writ petition is filed challenging the impugned order of th 2nd respondent dated 6.12.2005 by which the petitioner was dismisse from Government service on the basis that she has produced the bogu SSLC certificate. That order was passed after the charge was frame against her and explanation was submitted. However, according to th petitioner the order of dismissal was passed only on surmises withou any evidence to show that the SSLC certificate produced by th petitioner is bogus. A reference to the impugned order of the 2 respondent would show that as against that order, the petitioner ca file an appeal before the 1st respondent.

2.The learned counsel for the petitioner would submit that in fac

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the petitioner has preferred an appeal before the 1st respondent o 22.2.2006 and the 1st respondent has not passed any order. The learne counsel would further submit that the petitioner was employed as Chil Welfare organiser from 1978 for which the educational qualificatio required is a pass in VIII standard. However, when she was posted t the next post of the Rural Welfare Officer (Women) for which th required qualification was SSLC pass and it was regarding that post that the SSLC certificate was scrutinised by the respondents who foun that it was a bogus certificate and an order of dismissal was passed.

3.The learned counsel would submit that even assuming that th petitioner is not eligible for the post of Rural Welfare Officer(Women for which SSLC pass is the required qualification, as far as th previous post which was held by the petitioner is concerned, viz., th Child Welfare Organiser, for which the minimum qualification require is VIII standard pass, which post, in fact the petitioner has bee holding from 1978 onwards, a direction can be given to the respondent to revert the petitioner to the Child Welfare Organiser post instead o giving effect to the impugned order of dismissal.

4.On the other hand, Mr.A. Edwin Prabhakar, learned Governmen Advocate would submit that inasmuch as an appeal has been filed by th petitioner against the impugned order of the 1st respondent, a directio can be given to the 1st respondent to consider the subsequent claim o the petitioner also in respect of the reverted post and if she wa otherwise qualified, the first respondent can decide the issue.

5.Having considered the submissions made on either side, the 1 respondent is directed to consider the appeal of the petitioner date 22.2.2006 against the order of the 2nd respondent dated 6.12.2005 an pass appropriate orders by giving an opportunity to the petitioner within a period of six weeks from the date of receipt of a copy of thi order. However, it is made clear that in the event of the petitione making a claim before the 1st respondent that she may be considered fo the reverted post to Child Welfare Organiser which post she was holdin from 1978 onwards, for which the required qualification is VII standard pass, the same shall also be considered while disposing of th appeal, if she is otherwise qualified.

6. With the above direction, the writ petition is disposed of.N costs. Consequently, connected M.P.is closed.

ap

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1.The Secretary to Government,
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2.The Commissioner/Director of Social Welfare,
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Chepauk, Chennai 600005.

3.The District Social Welfare Officer,
Vellore District, Vellore.

2 CC TO G.P., SR NOS 39349, 39350

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